

OFFICIAL BUSINESS

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SEP 15 2006

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05cv399 JTF

**FILED**

SEP 20 2006

U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

Brian Briscoe  
SBI #342223  
SCI  
P.O. Box 500  
Georgetown,

☐ A INSUFFICIENT ADDRESS  
☒ C ATTEMPTED NOT KNOWN  
☐ S NO SUCH NUMBER/ STREET  
☐ S NOT DELIVERABLE AS ADDRESSED  
 - UNABLE TO FORWARD

**RTS**  
RETURN TO SENDER

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

113

JAMES A. WILSON, et al., :  
 :  
Plaintiffs, :  
 :  
v. : Civil Action No. 05-399-JJF  
 :  
STANLEY TAYLOR, et al., :  
 :  
Defendants. :

O R D E R

WHEREAS, Plaintiff, Dereck E. Stones, a prisoner incarcerated at the Sussex Correctional Institute, Georgetown, Delaware, filed a complaint on June 15, 2005, pursuant to 42 U.S.C. § 1983;

WHEREAS, on August 31, 2006, a letter was filed with the Court by Plaintiff Dereck E. Stones wherein he states that he no longer wishes to be a plaintiff in the above-named civil action, and which the Court construes as a motion to voluntarily dismiss his claims pursuant to Fed. R. Civ. P. 41(a) (D.I. 112);

WHEREAS, the Court GRANTS the motion to voluntarily dismiss (D.I. 112);

THEREFORE, at Wilmington this 13 day of September, 2006, IT IS ORDERED that Dereck E. Stones is DISMISSED WITHOUT PREJUDICE as a Plaintiff in this action pursuant to Fed. R. Civ. P. 41(a).

  
UNITED STATES DISTRICT JUDGE

114

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JAMES A. WILSON, et al., :  
 :  
 Plaintiffs, :  
 :  
 v. : Civil Action No. 05-399-JJF  
 :  
 COMMISSIONER STANLEY TAYLOR, :  
 et al., :  
 :  
 Defendants. :

O R D E R

WHEREAS, Plaintiffs, prisoners incarcerated within institutions of the Delaware Department of Correction filed a civil rights action pursuant to 42 U.S.C. § 1983;

WHEREAS, orders mailed to Plaintiffs were returned as undeliverable to the below listed Plaintiffs on the following dates:

Brian Briscoe	March 20, 2006	D.I. 68
	May 26, 2006	D.I. 91
	July 28, 2006	D.I. 106
	August 30, 2006	D.I. 110
Pedro Cintra	February 14, 2006	D.I. 62
	March 20, 2006	D.I. 69
	May 26, 2006	D.I. 90
	July 28, 2006	D.I. 107
	August 30, 2006	D.I. 111
Tim Soodain	August 29, 2005	D.I. 16
	October 27, 2005	D.I. 26
	November 7, 2005	D.I. 28
	February 21, 2006	D.I. 64
	March 21, 2006	D.I. 72
	May 31, 2006	D.I. 92
	August 4, 2006	D.I. 108

WHEREAS, Brian Briscoe ("Briscoe"), Pedro Cintra ("Cintra"),

and Tim Soodain ("Soodain") apparently have either been released from custody or transferred to a different institution, and have failed to inform the court of their new addresses;

WHEREAS, other Plaintiffs have filed pleadings in this case, but Briscoe, Cintra and Soodain have taken no action in this matter for a period of at least three months;

WHEREAS, in Defendants' Memorandum of Points and Authorities in Support of their Motion to Dismiss/Summary Judgment filed April 18, 2006, Defendants advise the Court they sent a letter dated March 28, 2006, to all plaintiffs listed in the case and asked those who did not want to part of the case to do nothing (D.I. 81, Ex. D);

WHEREAS, Briscoe, Cintra, Darus Young, Jerry Weston, Dereck Stones ("Stones"), Samuel Jones, Dedrick Chase ("Chase"), Antonio Frisby, H. Richards, Gilbert Williams, Norman DeShields, Soodain, Charles Sanders, Kevin Spivey, Shaun Lee, DeShawn Smith, and Kendall Reed did not respond to the letter thus demonstrating their lack of interest in the suit (D.I. 81, Ex. E);

WHEREAS, Chase was dismissed from this action on June 26, 2006 (D.I. 100);

WHEREAS, pending before the Court is Plaintiff Stones' letter/motion to withdraw from the case (D.I. 112);

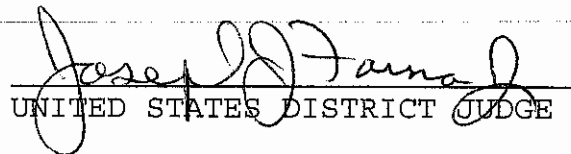
THEREFORE, this 13 day of September, 2006, IT IS ORDERED that:

1. On or before **October 6, 2006**, Brian Briscoe, Pedro Cintra, and Tim Soodain shall show cause why they should not be dismissed from the case for failure to inform the Court of their current address and for failure to take any action in the case.

2. On or before **October 6, 2006**, Brian Briscoe, Pedro Cintra, Darus Young, Jerry Weston, Samuel Jones, Antonio Frisky, H. Richards, Gilbert Williams, Norman DeShields, Tim Soodain, Charles Sanders, Kevin Spivey, Shaun Lee, DeShawn Smith, and Kendall Reed shall advise the Court in writing whether they wish to prosecute the case and remain as party plaintiffs to this action.

**NOTE: Plaintiffs are placed on notice that failure to timely comply with this order shall result in their dismissal as a Plaintiff in this action.**

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UNITED STATES DISTRICT JUDGE